

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ROBERT GARLAND**

**v.**

**JASON LONG, *et al.***

§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 6:16cv1359**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (Docket No. 11), filed on December 19, 2016, recommends that Plaintiff's Notices Requesting Dismissal (Docket Nos. 7 and 8) and Motion to Dismiss (Docket No. 10) be granted and that the complaint be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A). The Court received an acknowledgment of receipt revealing that Plaintiff received the Report and Recommendation on February 10, 2017. No objections were filed. This Court finds that the Magistrate Judge's Report contains no plain error and hereby **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. In light of the foregoing, it is

**ORDERED** that Plaintiff's Notices of Requesting Dismissal and Motion to Dismiss (Docket Nos. 7, 8 and 10) are **GRANTED** and the complaint is **DISMISSED WITHOUT PREJUDICE**. Any motion not previously ruled on is **DENIED**.

**SIGNED this 1st day of March, 2017.**

  
**ROBERT W. SCHROEDER III**  
UNITED STATES DISTRICT JUDGE